

**COUNCIL MEETING
MONDAY, JULY 17, 2017
COUNCIL CHAMBERS
www.lackawannany.gov**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Lewis.

Meeting called to order

Roll Call: Council: Present: Noman, Jerge, Surdyke, Lewis

Excused: Iafallo

**Dept. Heads: Present: Law, Comptroller, Public Safety, Recreation
Public Works, Development**

Approval of Minutes: of regular meeting of June 19, 2017

Moved by Lewis seconded by Noman to adopt minutes as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Departmental Reports:

1. City Comptroller-A/P Check Listing #51, June 15, 2017
2. City Comptroller-A/P Check Listing #52, June 22, 2017
3. City Comptroller-A/P Check Listing #53, June 28, 2017
4. City Comptroller-A/P Check Listing #54, July 6, 2017
5. City Comptroller-A/P Check Listing #55, July 10, 2017
6. City Treasurer-Total receipts deposited in the General Fund Account for June 2017
7. City Clerk-Monthly Revenue Report for June 2017

Moved by Jerge seconded by Lewis receive and file departmental reports one thru seven

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Communications from the Mayor:

Bethlehem Steel Fire Financial Assistance

8. To: City Council

I am writing in response to your inquiry regarding the availability of State financial assistance for costs incurred fighting the fire at the former Bethlehem Steel Plant in the City of Lackawanna.

Throughout the week-long effort to extinguish the fire, the State provided assets to assist the City with the firefighting mission. While State assets were provided during the mission, financial assistance to reimburse the City for costs incurred is not available. Additionally, since only one business was involved, the City of Lackawanna does not meet the requirements of the U.S. Small Business Administration economic disaster declaration loan program.

GEOFFREY M SZYMANSKI-MAYOR

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Police Department-Insurance Check

9. To: City Council

I am requesting that \$3,937.96 insurance recovery check for the damaged police vehicle be placed into budget code A.3120.443 Police Department Repairs to Equipment in order to pay for this vehicle.

Thank you in advance for your anticipated cooperation on this matter.

GEOFFREY M SZYMANSKI-MAYOR

Moved by Lewis seconded by Noman receive and file, act on ordinance

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Communications from the Council:

Budget Transfer-Council Travel Allowance

10. To: City Council

Councilman Surdyke and I are requesting the City Council amend the 2016-2017 Budget Ordinance adopted June 16, 2016 by transferring \$1,165.94 to budget code A.1010.464 City Council, Travel Allowance.

Included in that request is transferring \$1,000.00 from budget code A.1420.464 Department of Law, Travel Allowance and an additional sum of \$165.94 from budget code A.1355.464 Assessment, travel allowance.

Thank you for your anticipated cooperation.

JOE JERGE-3RD WARD COUNCIL MEMBER

KEVIN SURDYKE-4th WARD COUNCIL MEMBER

Moved by Jerge seconded by Lewis receive and file, act on ordinance

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

“No Parking” Sign-Route 5 and Walnut

11. To: City Council

I requested that the Commissioner of Public Works erect a “No Parking or Standing ANYTIME” Sign on both corners of Rte 5 and Walnut Street. This request is based on my observation of the parked cars on Madison, which makes it difficult for cars turning Right from Madison to Rte. 5.

ABDUSALAM NOMAN-1st WARD COUNCIL MEMBER

Moved by Noman seconded by Lewis approve request

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Communications from Department/Division Heads:

Amending Chapters 190, 215, 168, 66, 88 and 12

12. To: City Council

Please put the attached ordinances on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by Jerge receive and file, act on ordinances

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

National Grid Settlement Agreement

13. To: City Council

Please put the attached Resolution on the agenda for council approval. Thank you.
(Complete Settlement Agreement on file with City Clerk)

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Lewis seconded by Surdyke receive and file, act on resolution

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Budget Transfers- 2016-2017

14. To: City Council

Attached please find a list of transfers made with approval by the mayor for your review. These transfers were made as per pursuant to Chapter 12.12 Subdivision (C) 2 of the City Charter. The Director of the Department of Administration and Finance, with the approval of the Mayor, may transfer any unencumbered appropriation balance or portion thereof between the same general classifications of expenditures within any department: and he or she shall report all such transfers to the Council.

If you have any questions, please feel free to contact me.

CAROLYN NICOMETO-CITY COMPTROLLER

Moved by Lewis seconded by Jerge receive and file

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Abbott and Ridge Roads-Street Light Replacement

15. To: City Council

I am requesting to reserve funds of \$91,590.00 from budget code A.3020.250-Signs and Replacements be placed in reserve to be used in the 2017-2018 fiscal year for a Capital Project- Abbott and Ridge Rd. Street Light replacement as sponsored by Joseph Jerge.

Attached is the corresponding Ordinance authorizing the transfer of stated funds.

If you have any questions, feel free to contact me.

CAROLYN NICOMETO-CITY COMPTROLLER

Moved by Jerge seconded by Lewis receive and file, act on ordinance

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Audit Proposals

16. To: City Council

I have received audit proposals from Amato, Fox & Company, LLP, Bonadio Group CPA's, Drescher & Malecki, LLP, EFPR Group, and Mark I. Adamchick CPA and Associates. Amato, Fox & Company, LLP proposal is \$17,000 for each fiscal year ending 2017 and 2018. The Bonadio Group CPA's proposal for fiscal years ending 2017 and 2018 is \$17,000 and \$17,500 respectively. EFPR Group's proposal is \$19,500 for each fiscal year ending 2017 and 2018. Drescher & Malecki, LLP's proposal for fiscal years ending 2017 and 2018 was \$35,045 and \$35,746 respectively. Mark I. Adamchick CPA & Associates' proposal was \$15,750 for each fiscal year ending 2017 and 2018.

The Mayor has recommended that the City hire Amato, Fox & Company for the audit of the fiscal years ending 2017 and 2018. If your honorable body is in agreement please authorize the mayor to enter into agreement.

CAROLYN NICOMETO-CITY COMPTROLLER

Moved by Lewis seconded by Surdyke to approve request to hire Amato, Fox & Company

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Lackawanna Recreational Trails Grant

17. To: City Council

Please be advised that the City of Lackawanna has been awarded a grant in the amount of \$171,800.00 through the Federal Highway Administration from a recommendation by the Greater Buffalo Niagara Regional Transportation Council.

This grant will be administered by the New York State Office of Parks, Recreation & Historic Preservation.

The City of Lackawanna plans to restore the City's only recreational trail at 230 Martin Road that primarily serves residential neighborhoods, as well as, the Martin Road Elementary School and the Lackawanna Senior Center. The entire 4,278 linear feet of trail will be replaced.

This trail provides a link between Martin Road, Smoke Creek, a public stadium and a bicycle route and is also used as a walking and jogging path. The trail also provides public access to the City's business district, municipal center, historic landmarks and will advance the City's goal to preserve and enhance its natural and open space resources.

Total contract amount is \$214,750 with a 20% City cash match of \$42,950 and we have 5 years from the date of signed contract to spend the money.

This is a reimbursement grant.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Jerge seconded by Lewis receive and file, act on resolution

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Budget Amendment-Local Waterfront Revitalization Plan

18. To: City Council

On December 12, 2014 the City of Lackawanna entered into a contractual agreement with the New York State Department of State to update the City's Local Waterfront Revitalization Plan that was over 30 years old.

The total project cost is \$60,000 of which \$30,000 is being funded by the grant with a \$20,000 in-kind match and \$10,000 cash match from the City. This will include a review of the existing waterfront area, inventory existing conditions, update program policies, identify appropriate proposed land and water uses and projects and revise local laws to implement the program. The City has to front \$40,000 of which \$10,000 will be reimbursed by the grant.

The primary issues to be addressed are the revitalization of deteriorated industrial waterfront, expansion of public access while protecting sensitive coastal resources and protection of scenic vistas.

The grant is due to expire on December 31, 2018 if a grant is extension that was requested is approved. Either way, a budget amendment to add \$40,000 to budget code H.2080.620 Capital Fund is requested and necessary for this grant.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Noman receive and file, act on ordinance
Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Budget Transfer-Special Revenue Fund

19. To: City Council

I am requesting permission to transfer funds from the General Fund into the Special Revenue fund. Please see attached City Ordinance for the correct dollar amount. If you have any additional questions or concerns you may contact me at your earliest convenience.

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Lewis seconded by Noman receive and file, act on ordinance
Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Licensing Fees

20. To: City Council

In keeping with updating certain aspects of the City Clerk's office, I am proposing to modify the fee schedule the city currently charges business owners for coin operated devices. Included in this proposal is a fee increase for dog licenses. It should be noted that these fees have not been increased for at least twenty years and would bring our rates more in line with what surrounding communities charge, while also increasing revenue in the City Clerk's office.

I have attached the current fee schedule as well as the proposed increases, along with what surrounding communities charge, for your perusal.

If the fee increases are approved, please direct the Law Department to amend the respective ordinances.

Thank you for your anticipated cooperation in this matter.

JEFFREY P DEPASQUALE-CITY CLERK

Moved by Jerge seconded by Lewis approve request, refer to Law Department to amend ordinance & Chapter 63 Article II should read "Monetary Controlled Devices"

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Communications from Citizens:

Use of Veterans Stadium-Lackawanna Little Loop

21. To: City Council

As president of the Lackawanna Little Loop football and cheerleading organization, I am writing to you requesting use of Veterans Stadium for the purpose practicing there.

Last year, we transformed a failing organization that had a difficult time fielding two teams with shabby equipment into a sports juggernaut...fielding all four teams, all with over 30 kids per team and cheerleading squads that had over 20 kids. That's over 200 Lackawanna kids that rediscovered the beauty of the great sports of football and cheerleading.

Due to the size of our teams and the expected increase in players and cheerleaders, we are requesting the use of Veterans Stadium to conduct our practices from the period of August 7, 2017 to November 3rd...the last day before the championship games...which we anticipate all of our teams to be in.

It is with the understanding that the Lackawanna High School Steelers will not be playing at the stadium this year, with the exception of the Thursday Homecoming bonfire night and Homecoming on the following day. They will be playing at the high school on Saturday afternoons and the Junior varsity in the mornings.

I would also like to point out that the renovations at Veterans Stadium that took place over a decade ago were made possible by funding that was provided by the National Football League with the cooperation of Lackawanna Little Loop; a program designed to reinvest in youth sports.

We acknowledge that the high school will need the stadium for preparations on the week of homecoming and we will alter our practices accordingly and not practice at the stadium during homecoming week.

I have provided all insurance information for you. Some of the dates may declare the year: 2016. As we have paid our annual league dues, we are anxiously awaiting the updated insurance policies, but the values have remained the same.

If you have any questions, please feel free to contact me.

GLEN J ECHEVERRIA-PRESIDENT

Moved by Jerge seconded by Lewis, approve request for use of Veterans Stadium from August 7 through November 3, 2017

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Entertainment License

William & Christine Napierski-204 Millhurst request 1 day license for August 19, 2017

Moved by Lewis seconded by Noman to approve request for temporary license for August 19, 2017 between the hours of 4:00-11:00 PM

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Resolutions:

(1) Resolution #15, 2017-Recreation Trail-Federal Highway Funds

Resolution to accept \$171,800 of Federal Highway Funds for the restoration of the Lackawanna Recreational Trail

WHEREAS, the City of Lackawanna, on July 31, 2015 submitted a New York State consolidated Funding Application for the restoration of the Lackawanna Recreational Trail located at 230 Martin Road, and

WHEREAS, on February 4, 2016 the Greater Buffalo Niagara Regional Transportation Council recommended to the Federal Highway Administration to award a grant in the amount of \$171,800.00 to be administered by the New York State Office of Parks, Recreation and Historic Preservation under Federal Fiscal Year 2017 for this purpose.

NOW, THEREFORE BE IT RESOLVED, that the City accepts the reimbursement grant award in the amount of \$171,800.00 and agrees to a 20% cash match of \$42,950.00 for a total project cost of \$214,750.00 to restore the Lackawanna Recreational Trail

BE IT FURTHER RESOLVED, that the City Council of Lackawanna authorizes the Mayor to enter into a Contractual Agreement with the New York State Office of Parks, Recreation and Historic Preservation

Moved by Lewis seconded by Jerge to adopt resolution as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(2) Resolution #16, 2017-National Grid Settlement

WHEREAS, the City of Lackawanna receives street lighting services from Niagara Mohawk Power Corporation, d/b/a National Grid; and

WHEREAS, the City of Lackawanna retained Troy and Banks to challenge the charges for said street lighting services by National Grid; and

WHEREAS, the City and National Grid have reached a settlement agreement, attached hereto, resolving the City's claims against National Grid in the amount of \$145,790.62, payable to the City;

NOW, THEREFORE, BE IT

RESOLVED, that the Lackawanna City Council hereby approves the settlement agreement and the Mayor is hereby authorized to sign same.

Moved by Lewis seconded by Surdyke to adopt resolution as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Ordinances:

(1) Police Department-Repairs to Equipment

AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED JUNE 16, 2016

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to increase appropriations and revenue for Insurance Recovery for repairs to Police Vehicle.

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to increase by \$3,937.96 budget code A.3120.443 Police Department, Repairs and Replacements

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to increase budget code A..2680 Insurance recoveries by \$3,937.96

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Surdyke to adopt ordinance as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(2) Budget Transfer-City Council Travel Allowance

AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED JUNE 16, 2016

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby

- amended to transfer appropriations for City Council, Travel Allowance
- SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to transfer \$1,165.94 budget code A.1010.464 City Council, Travel Allowance
- SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to transfer \$1,000.00 from budget code A.1420.464 Department of Law, Travel Allowance
- SECTION 4.** That the 2016-2017 Budget Ordinance is hereby amended to transfer \$165.94 from budget code A.1355.464 Assessment, Travel Allowance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Surdyke to adopt ordinance as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(3) Solid Waste-Garbage Totes-Amend Chapter 190-4

AN ORDINANCE AMENDING CHAPTER 190, SOLID WASTE, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 190-4, shall be amended to include the following:

H. Any scavenging, rummaging into or picking discarded articles or materials out of solid waste totes, containers or recycling bins by persons other than the owner or occupant of the premises, authorized City Employees or City contractors is hereby prohibited and shall constitute a violation of this Charter.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Surdyke adopt ordinance as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(4) Traffic & Vehicles-Amend Chapter 215

AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York, that City Code Section 216.127. Schedule of fines and penalties is rescinded and reenacted as follows:

215.127 I. The schedule of fines and penalties shall be as follows:

<i>Violation:</i>	<i>Fine</i>
Parking prohibited beyond time limit allowed	\$40.00
Parking prohibited	\$40.00
Parking prohibited on bus routes during certain hours	\$40.00
Parking prohibited upon publicly or privately owned	

premises without permission	\$40.00
Parking in unpaved area in front/side yard	\$40.00
Parking prohibited in load zone	\$40.00
Stopped, standing or parking facing wrong direction	\$40.00
Stopped, standing or parked more than 12 inches from curb	\$40.00
Stopped, standing or parked upon any bridge, elevated structure, subway or approaches	\$40.00
Standing or parked within 20 feet of a crosswalk at an intersection or other marked crosswalk	\$40.00

Parking Prohibitions:

Parking prohibitions at any time	\$40.00
Parking prohibited during certain hours	\$40.00
Parking prohibited in a taxi stand	\$40.00

Standing Prohibitions:

Standing prohibited at any time	\$40.00
Standing prohibited during certain hours	\$40.00
Standing prohibited from here to corner	\$40.00
Stopped, standing or parked on a sidewalk	\$40.00

Stopping Prohibitions:

Stopping prohibited at any time	\$40.00
Stopping prohibited during certain hours	\$40.00
Stopping prohibited from here to corner	\$40.00
Stopped, standing or parked on a sidewalk	\$40.00
Standing or parked in front of a public or private driveway	\$40.00
Expired certificate of inspection or registration	\$40.00
Stopped, standing or parked within 15 feet of a fire hydrant	\$40.00
Double parking	\$40.00
Stopped, standing or parked in a fire lane	\$40.00
Stopping, standing or parking prohibited, Police emergency	\$40.00
Other violation	\$40.00
Handicapped parking violations, per §1203-c of the Vehicle And Traffic Law	\$75.00

NOTE: In addition, a surcharge levied by the State of New York for handicapped parking violations, pursuant to §1809-b of the Vehicle and Traffic Law, or other parking violations shall be added to said fine as are applicable by the pertinent State Law.

J. Additional penalties. Penalties shall be added to the fine for late payments as follows:

Original Fine	\$ 40.00	\$ 75.00
After 8 days	\$ 80.00	\$150.00
After first billing	\$120.00	\$200.00
After 75 days	\$150.00	\$300.00

NOTE: Plus any interest in mandatory surcharge for parking violation

K. **HEARING**-All hearings will be held in the local criminal court, to wit:
Lackawanna City Court

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written
Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(5) Peddlers & Solicitors-Amend Chapter 168 (5)

**AN ORDINANCE AMENDING CHAPTER 168, PEDDLERS AND SOLICITORS, OF
THE CITY OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City
Code Chapter 168-5 shall be amended to add the following:

- C. A non-refundable fee of \$100 shall be paid upon the filing of the application for a license under this Chapter. Upon the approval of the application the fee shall be applied to the license fees set forth in Section 168-13.
- D. An applicant who is an honorably discharged veteran shall pay a non-refundable fee of \$50 upon the filing of the application for a license under this chapter

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written
Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(6) Peddlers & Solicitors-Amend Chapter 168-(13)

**AN ORDINANCE AMENDING CHAPTER 168, PEDDLERS AND SOLICITORS, OF
THE CITY OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City
Code Chapter 168-13, shall be rescinded and replaced as follows:

168-13. License fees

- A. The license fee for each person licensed as a hawker, peddler or solicitor shall be \$100 per year
- B. The license fee for each person licensed to assist a hawker, peddler or solicitor shall be \$100 per year
- C. For the purpose of this chapter, a person who assists a hawker, peddler or solicitor shall be deemed to be any person who participates in delivering merchandise or any other items sold, performs any services in or about the customer's premises or otherwise generally renders aid or assistance, except participation in selling or soliciting orders.
- D. A license fee shall not be required of any honorably discharged veteran

- E. The license fee for each applicant for a license to sell food and beverages, including coffee, tea and soft drinks, for human consumption shall be \$100 per year.
- F. A license fee for a temporary mobile food truck license in the amount of \$75 per event, shall be required. Mobile food trucks may only operate at events approved by Director of Development

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written
Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(7) Animals-Amend Chapter 66 (14E)

**AN ORDINANCE AMENDING CHAPTER 66, ANIMALS, OF THE CITY OF
LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

Section 66-14 (E) is hereby rescinded and replaced as follows:

- E. The owner of each dog shall be personally liable and accountable for his/her dogs. The owner of each dog shall provide proof of liability insurance to cover accountability for the property where the dog is housed. No license shall be issued or renewed for a dog without said proof of insurance. An owner who fails to comply with the provisions of this section shall be subject to fine not to exceed \$250.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Surdyke to adopt ordinance as written
Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(8) Business Registration-Amend Chapter 88 (3)

**AN ORDINANCE AMENDING CHAPTER 88, BUSINESS, REGISTRATION OF,
OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 88-3 shall be amended to add the following:

- E. A business owned and operated by an individual from their home which has no employees and whose customers are not physically present at said location at any time and which is not involved in the manufacturing or repair of goods, wares, appliances, vehicles or other merchandise on the premises shall not require a certificate of business registration.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written

(9) Business Registration-Amend Chapter 88 (4&6)

**AN ORDINANCE AMENDING CHAPTER 88, BUSINESS, REGISTRATION OF,
OF, THE CITY OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 88, shall be amended as follows:

Add:

§-88-4. Application for business registration

6. The criminal record of the applicant or any proposed employee of said business

Rescind and Replace:

§-88-6. Standards for approval; issuance of certificate

5. The criminal record of the persons applying for the license or any proposed employees of said business

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(10) City Owned real Estate-Amend Chapter 12 (3)

**AN ORDINANCE AMENDING CHAPTER 12, CITY-OWNED REAL ESTATE,
DISPOSITION OF, OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 12-3 shall be amended to add the following:

C. No person, firm or entity owning real property in the City with pending violations of City building codes shall be allowed to purchase any City property from the City as provided in Chapter 12 of the City Code. Nor shall any such person, firm, or entity be allowed to be a member of any board or commission of the City or to be the recipient of any contract for work, labor, service or goods sold to the City.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Surdyke to adopt ordinance as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(11) Waterfront Revitalization Program

**AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED
JUNE 16, 2016**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

- SECTION 1.** That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to increase appropriations for Capital Project, City of Lackawanna Waterfront Revitalization Program
- SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to add \$40,000.00 to Budget code A.9000.9551 Transfer to Other Fund-Capital
- SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to appropriate \$40,000.00 of the City's Fund Balance
- SECTION 4.** That the 2016-2017 Budget Ordinance is hereby amended to add \$40,000.00 to budget code H.2080.420 Capital Fund, Lackawanna Waterfront Revitalization Program
- SECTION 5.** That the 2016-2017 Budget Ordinance is hereby amended to increase budget code H.0000.5031 Capital Fund Interfund Transfers by \$40,000.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Surdyke to adopt ordinance as written

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

(12) Budget Transfer-Special Revenue Fund

**AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED
JUNE 16, 2016**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

- SECTION 1.** That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to transfer appropriations for Sanitation payroll from the General Fund to the Special Revenue-Refuse and Garbage Fund
- SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to transfer \$151,787.00 to budget code A.9000.9551 Transfer to Special Revenue Fund
- SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to transfer \$141,000.00 from budget code A.5110.101 Maintenance of Streets, Personal Services and \$10,787.00 from budget code A.9000.9030 Employee Benefits, Social Security
- SECTION 4.** That the 2016-2017 Budget Ordinance is hereby amended to increase budget code CL.0000.5031 Special Revenue Fund-Garbage and Refuse Interfund Transfers by \$151,787.00
- SECTION 5.** That the 2016-2017 Budget Ordinance is hereby amended to increase budget code CL.8160.101 Special Revenue Fund-Garbage and Refuse Personal Services by \$141,000.00 and budget code CL.9000.9030 Special Revenue Fund-Garbage and Refuse Social Security by \$10,787.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Jerge seconded by Lewis to adopt ordinance as written

(13) Capital Fund-Abbott & Ridge Road Traffic Signal Replacement

**AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED
JUNE 16, 2016**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to establish a capital reserve fund to be known as the Abbott and Ridge Road Traffic Signal Fund pursuant to section 6-c of the General Municipal Law

SECTION 2. That the 2016-2017 Budget Ordinance is hereby amended to reduce \$91,590.00 budget code A.3020.250 Signs and Replacements

SECTION 3. That the 2016-2017 Budget Ordinance is hereby amended to add \$91,590.00 to budget code A.9000.9551 Transfer to Other Fund-Capital

SECTION 4. That the 2016-2017 Budget Ordinance is hereby amended to transfer \$91,950.00 from budget code A.9000.9551 Transfer to Other Fund-Capital to H.0000.5031 Capital Interfund Transfers

SECTION 5. That the 2016-2017 Budget Ordinance is hereby amended to reduce budget code H.0000.5031 Capital Fund Interfund Transfers by \$91,590.00

SECTION 6. That the 2016-2017 Budget Ordinance is hereby amended to add \$91,590.00 to budget code H.2080.440 Capital Fund, Abbott and Ridge Road Traffic Signal Replacement

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as amended per recommendation of City Attorney

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Waive Rules:

Moved by Jerge seconded by Lewis to waive rules in regard to 109 Norfred Drive

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

To: City Council

I am requesting your approval to sell me the land immediate and adjacent to my rear lot line. This formerly was the smokes creek bank, and is landlocked Over the past 25 years i have been permitted for a garage, inground pool, and fence, on that property. I have been in contact with the City Assessor, and he has on file all the pertinent papers. My offer is \$1.00, and i shall absorb the cost of a surveyor to redraw the property lines.

SUE A CAFERRO

To: City Council

It has come to my attention that parcel of land behind 109 Norfred Drive has been used by the property owner since the early 90's. After reviewing all the relevant documents concerning this issue the best remedy would be to sell a portion of the property to the current owners.

Based upon information obtained by my office, the above-mentioned property is **recommended** for sale to Sue Caferro for the sum of One Dollar (\$1). The owner would be obligated to pay for any cost related to the survey and filing of the deed.

FRANK E KRAKOWSKI-CITY ASSESSOR

Sale of 109 Norfred Drive-Ordinance

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY
PURSUANT TO MUNICIPAL CODE SECTION 12**

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer part of property known as SBL 142.11-4-59 (Abbott Rd. Rear) parcel 75 feet by 75 feet, to Sue Ann Caferro

SECTION 2. That transfer is made for the sum of \$1 in cash to the City of Lackawanna

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare document to be executed for the transfer of the property.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Jerge to adopt ordinance as amended per recommendation of City Attorney. Owner obligated to pay additional fees associated with title search/survey

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Adjournment:

Moved by Lewis seconded by Surdyke meeting adjourned

Yeas: Noman, Jerge, Surdyke, Lewis

Carried 4-0

Keith E. Lewis, Council President

Gail Nicholson, Deputy City Clerk